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REMARKS

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The above Amendments and these Remarks are submitted under 35 U.S.C. § 132 and 37 C.F.R. § 1.111 in response to the Office Action mailed February 20, 2007.

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Summary of the Examiner's Action and Applicant's Response

The Examiner has rejected Claims 1-15, 19-25, 31-32, 34-36, 38-39, 42-45, 50-51, and 54-55 under 35 U.S.C. § 102(e) as being anticipated by Estipona (U.S. Patent No. 6,795,973). Claims 18, 30, 33, 37, 40-41, 46-49, and 52-53 have been rejected under 35 U.S.C. 103(a) as being obvious based on Estipona. Applicant respectfully traverses the rejections.

In this Amendment, Applicant has amended Claims 15 and 25 merely to correct minor typographical errors. Claims 1-15, 18-25, and 30-55 are pending.

**Response to the Rejection of Claims 15, 19-25, 31-32, 34-36, 38-39,
42-45, 50-51, and 54-55 under 35 U.S.C. § 102(e)**

Regarding Claim 1, the Examiner stated that "enhancement data employing a second television channel operating at a second frequency is admitted as prior art in the conventional NTSC frequency map of Fig. 2, refer to specs, page 3/line 23 to page 4/line 21)". Applicant respectfully submit parenthetically that the step includes "transmitting enhancement data including employing a second channel", that is, it is not limited to a "television channel". Although Applicant agrees that Fig. 2 of the present application discloses a conventional NTSC map and shows "data" under "common use" for a group of "channels", Applicant respectfully disagrees with the Examiner's conclusion and grounds for rejection. More specifically, Applicant respectfully submits that Claim 1 was rejected as being anticipated by Estipona, however, the Examiner also cited a second reference, the "admitted" prior art Fig. 2 of the present application, as disclosing the transmitting enhancement data "step of Claim 1. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (M.P.E.P. §2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Applicant respectfully submits that the Examiner has improperly cited multiple references in his anticipation rejection,

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Estipona and Applicant's admitted prior art Fig. 2. Applicant respectfully submits that, although there are exceptions specified in M.P.E.P. § 2131.01 wherein multiple references can properly be cited in an anticipation rejection under § 102 (see), those exceptions do not apply here.

Regarding the exceptions, "a 35 U.S.C. 102 rejection over multiple references has been held to be proper when the extra references are cited to: (A) Prove the primary reference contains an "enabled disclosure; (B) Explain the meaning of a term used in the primary reference; or (C) Show that a characteristic not disclosed in the reference is inherent." (M.P.E.P. § 2131.01). Applicant respectfully submits that exception (A) does not apply since the Examiner has not cited prior art FIG. 2 to prove the primary reference contains an "enabled disclosure. Regarding exception (B), Applicant respectfully submits that there is no indication that FIG. 2 is being used by the Examiner to explain the meaning of a term used in the primary reference. Regarding exception (C), "[t]o serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." (M.P.E.P. § 2131.01 III quoting *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991)). Applicant respectfully submits that Fig. 2 does not show that the step of "transmitting enhancement data employing a second channel operating at a second frequency" is inherent because Estipona does not teach transmitting enhancement data over a second channel, irrespective of any channel/frequency map. Thus, Applicant respectfully submits that there is no gap in Estipona that is filled by prior art FIG. 2. Applicant respectfully submits, therefore, that the §102 rejection is improper and should be withdrawn.

Further, Applicant respectfully submits that there is no teaching or suggestion in Estipona and Applicant's admitted prior art Fig. 2, either singly or in combination, of transmitting at least one trigger separate from the enhancements, as claimed in Claim 1. More specifically, Applicant respectfully submits that the combination of the step of transmitting a video program and at least one trigger employing a first television channel operating at a first frequency; and the step of transmitting enhancement data employing a second channel operating at a second frequency, is not disclosed, taught, or suggested by Estipona and Applicant's admitted prior art Fig. 2, either singly

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or in combination. Therefore, Applicant respectfully submits that Claim 1 is not anticipated by Estipona and is non-obvious based on Estipona and Applicant's admitted prior art Fig. 2.

Claims 2-12, 15, 19-25, 31, and 32 depend directly or indirectly from Claim 1 and thus are respectfully submitted as not being anticipated and not being obvious, based on Estipona and Applicant's admitted prior art Fig. 2, either singly or in combination, for the reasons given for Claim 1 above.

Further regarding Claim 3, Applicant respectfully submits that Estipona does not teach or suggest a method transmitting a video program and triggers on a first channel and transmitting enhancement data on a second channel, utilizing only a portion of the second channel, as claimed in Claim 3. Applicant respectfully submits that Claim 3 is not anticipated by Estipona for this additional reason.

Claim 34 is a system counterpart to Claim 1. Applicant respectfully submits, therefore, that Claim 34 is not anticipated by Estipona for the same reasons given above for Claim 1. Claims 35, 36, 38, 39, and 42-44 depend directly or indirectly from Claim 34, and thus are respectfully submitted as not being anticipated by Estipona for the same reasons given above for Claim 34.

Claim 45 is a receiver counterpart to Claim 1. Applicant respectfully submits, therefore, that Claim 45 is not anticipated by Estipona for the same reasons given above for Claim 1. Claims 50, 51, 54, and 55 depend directly or indirectly from Claim 45 and thus are respectfully submitted as not being anticipated by Estipona for the same reasons given above for Claim 45. Further, Applicant respectfully submits that these claims are also non-obvious based on Estipona and Applicant's admitted prior art Fig. 2, either singly or in combination, for the reasons given for Claim 1 above.

Regarding Claim 13, the Examiner stated that "the claimed limitations of "transferring video information, compliant with the ATVEF standard for type A transport, to a transmission system", "altering a URL contained in said video information" and "transmitting said video information" are met by Estipona (col. 3/lines 5-67)". Applicant respectfully disagrees. Applicant respectfully submits that Estipona, including the portion cited by the Examiner, does not teach URLs or altering URLs associated with type A transport, as claimed in Claim 13. Applicant respectfully submits that, in contrast, Estipona only referred to URLs in the context of type B

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transport in the cited portion in Col. 3. Applicant respectfully submits, therefore, that Claim 13 is not anticipated by Estipona.

Claim 14 depends from Claim 13 and thus is respectfully submitted as not being anticipated by Estipona for the same reasons as given above for Claim 13. Further regarding Claim 14, the Examiner stated that "only the host name is changed because the substitution changes the link provided to the user. Time, channel and other attribute information are not changed." Applicant respectfully submits that it is not clear to the Applicant what teaching in Estipona the Examiner refers to. Applicant respectfully submits that Estipona does not teach or suggest altering only the host name portion of the URL for type A transport compliant video information, as claimed in Claim 14. Applicant respectfully submits, therefore, that Claim 14 is not anticipated by Estipona for these additional reasons.

**Response to the Rejection of Claims 18, 30, 33, 37, 40-41, 46-49,
and 52-53 under 35 U.S.C. § 103(a)**

The Examiner has rejected Claims 18, 30, 33, 37, 40-41, 46-49, and 52-53 under 35 U.S.C. 103(a) as being obvious based on Estipona. Claims 18, 30, and 33 depend directly or indirectly from Claim 1, and thus are respectfully submitted as being non-obvious based on Estipona for the same reasons given above for Claim 1.

Claims 37, 40, and 41 depend directly or indirectly from Claim 34 and thus are respectfully submitted as being non-obvious based on Estipona for the same reasons given above for Claim 34.

Claims 46-49, 52, and 53 depend directly or indirectly from Claim 45 and thus are respectfully submitted as being non-obvious based on Estipona for the same reasons given above for Claim 45.

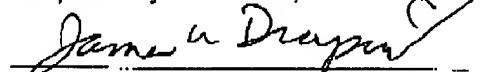
Conclusion

For the above reasons, Applicant respectfully submits that all pending claims, Claims 1-15, 18-25, and 30-55 in the present application are allowable. Such allowance is respectfully solicited.

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If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 984-8200.

Respectfully submitted,



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May 17, 2007

Date

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